

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of ()
BILL L. DAVIS and JESSE S. WILLIAMSON ()
()
For Reissue of U. S. Patent 5,630,393 () Group Art Unit:
Issued May 20, 1997 () 2854
Serial No. 08/515,097 ()
()
Filing Date: May 20, 1999 () Examiner:
() S. FUNK
()
Serial No.: 09/315,796 ()
()
For: COMBINED LITHOGRAPHIC/ ()
FLEXOGRAPHIC PRINTING ()
APPARATUS AND PROCESS ()

FIFTH DECLARATION OF RAYMOND J. PRINCE

To: The Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Ray J. Prince, declare and state under penalty of perjury:

1. I am the same Raymond J. Prince who has executed previous declarations in this proceeding.
2. I have had the opportunity to review translations of the opposition portion of the file history of EP 630,115, the counterpart of Hartung et al., U.S. Patent No. 5,638,752, the subject of the testimony of one of my previously filed declarations. In particular, I note Tab 19 of the '115 prosecution history and the August 25, 1999 Decision of the European Patent Office to revoke the '115 patent, and in particular 3.3.4 of that decision regarding defendant claims 2-4. I have read each of references K1-K7 listed at page 4 of the English translation of the Decision, giving special emphasis to K1 and K4.
3. None of references K1-K7 teach the use of flexography "up front" for a lithographic press as taught or claimed in the Davis and Williamson '363 patent.
 - (a) With respect to the German "Offsetpraxis" trade article "K1" (translation) published March 1993, the article states unequivocally that coating is after the printing (paragraph 1, translation). All that is described is a prototype MAN-Roland Model 700 press with a double tower coater end-of-press, which model commenced to be sold to the public in September 1993 with the IPEX Exhibition.

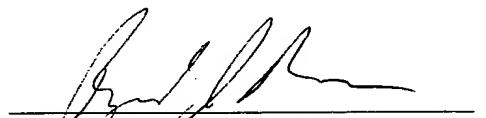
T05220 "96245760

(b) With respect to "Druckindustrie" K4, the article says (translation) "They demonstrated the inline-printing of gold using a relief process, subsequent to multi-colored offset printing. This abolishes the need for offline-bronzing." Such a teaching eschews the method of the Davis and Williamson '363 patent.

4. None of references K2, K3 or K5-K7 teach the '363 patent process either. K2 is the first of the DeMoore et al. "EZ" coater patents, which pertains to a cartridge coater end-of-press. This was a failed device commercially. K3 is a German dictionary with acceptable definitions; K5 is the Michael Huber (München) patent which is a teaching for a two-part water dilutable gold ink, possibly a flexographic ink. K6 pertains to a method of keeping an even pressure of a doctor blade on an anilox roller. Neat invention if it works! K7 is the early 1993 press release, like K1, for MAN-Roland 700 prototype machine with a double tower coater.

5. I have read the translation of EP 620,115, which is even shorter than its U.S. counterpart, U.S. Patent No. 5,638,752. It does not enable one of ordinary skill in the art to practice the '363 process. It even leaves out Fig. 2 of the '752 patent. Like the '752, it also left out the embodiments in U.S. Patent No. 5,476,042, based on the July 22, 1993 German patent application 43 24 631.1

The undersigned Declarant stated further that all statements made herein of Declarant's own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.



Raymond J. Prince
Date: 11/17/2000